

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:07CR306
)
vs.) ORDER
)
GABRIEL RIOS,)
)
Defendant.)

This matter is before the court on the motion to continue by defendant Gabriel Rios (Rios) (Filing No. 28). Rios seeks a continuance of the trial of this matter which is scheduled for January 7, 2008. Rios's counsel represents that government's counsel has no objection to the motion. However, thirty days seems adequate to finalize any plea agreement in this matter. Upon consideration, the motion will be granted, in part.

IT IS ORDERED:

1. Rios's motion to continue trial (Filing No. 28) is granted, in part, as set forth below.
2. Trial of this matter is re-scheduled for **February 11, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 2, 2008 and February 11, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 2nd day of January, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge